

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has referred the formal enforcement proceeding instituted on September 28, 1998, in the above-captioned investigation to an administrative law judge for appropriate proceedings and the issuance of an initial determination.

FOR FURTHER INFORMATION CONTACT: Shara L. Aranoff, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3090.

SUPPLEMENTARY INFORMATION: On February 25, 1997, at the conclusion of the original investigation, the Commission issued, inter alia, cease and desist orders directed to respondents Gamut Trading Co., Inc. and Gamut Imports. The cease and desist orders prohibit Gamut Trading Co., Inc. and Gamut Imports, as well as their "principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and/or majority-owned business entities, successors and assigns," from importing or selling for importation into the United States, or selling, marketing, distributing, offering for sale, or otherwise transferring (except for exportation) in the United States agricultural tractors under 50 power take-off horsepower manufactured by Kubota Corporation of Japan that infringe the KUBOTA trademark.

On July 16, 1998, Kubota Corporation, Kubota Tractor Corporation, and Kubota Manufacturing of America Corporation (collectively "Kubota"), complainants in the original investigation, filed a complaint seeking institution of a formal enforcement proceeding against Gamut Trading Co., Inc., Gamut Imports, Ronald A. DePue (Chief Executive Officer and Chairman of the Board of Directors of Gamut Trading), and Darrel J. Du Puy (Chief Financial Officer, President, and member of the Board of Directors of Gamut Trading) (collectively "the Gamut respondents"), alleging that they are violating the cease and desist orders. Kubota supplemented its complaint on August 26, 1998. On September 28, 1998, the Commission issued an order instituting a formal enforcement proceeding and instructing the Secretary to transmit the enforcement proceeding complaint to the Gamut respondents and their counsel for a response. On October 19, 1998, the Gamut respondents filed a joint response to the enforcement complaint denying violation of any of

the Commission's remedial orders and infringement of the KUBOTA trademark, asserting that the Commission lacks jurisdiction to address the enforcement complaint, and requesting that the Commission strike the complaint as "meritless" and order Kubota to pay the Gamut respondents \$100,000.

Having examined the Gamut respondents' response to the formal enforcement proceeding complaint filed by Kubota, and having found that issues concerning possible violation of the Commission's cease and desist orders remain, the Commission determined to refer the enforcement proceeding to Judge Paul J. Luckern for issuance, no later than six (6) months from the date of the Commission Order referring this matter, of an initial determination concerning whether Gamut Trading Co., Inc., Gamut Imports, Ronald A. DePue, and/or Darrel J. Du Puy are in violation of one or more of the Commission's cease and desist orders.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and section 210.75 of the Commission's Rules of Practice and Procedure (19 CFR 210.75).

Copies of the Commission's Order and all other nonconfidential documents filed in connection with this enforcement proceeding are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

Issued: October 28, 1998.

By order of the Commission.

Donna R. Koehnke,

Secretary.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, As Amended

Consistent with Departmental policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C.

§ 9622(d), notice is hereby given that on October 19, 1998, a proposed Consent Decree in *United States v. Alpine Aromatics International, Inc. et al.*, Civil Action No. 98-4813 (DRD), was lodged with the United States District Court for the District of New Jersey. The proposed Consent Decree will resolve the United States' claims under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601, *et seq.*, on behalf of the U.S. Environmental Protection Agency ("EPA") against defendants relating to the Custom Distribution Services Superfund Site ("Site") located in Perth Amboy, New Jersey. The Complaint alleges that each of the defendants is liable under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

Pursuant to the Consent Decree, the settling defendants will reimburse the United States \$1,174,000 in past response costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Any comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Alpine Aromatics International, Inc., et al.*, Civil Action No. 98-4813 (DRD), D.J. Ref. 90-11-3-1750.

The proposed consent decree may be examined at the Office of the United States Attorney, District of New Jersey, 970 Broad Street, Newark, New Jersey 07102 and at Region II, Office of the Environmental Protection Agency, 290 Broadway, New York, NY 10007-1866 and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check (there is a 25 cent per page reproduction cost) in the amount of \$11.00 payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98-29703 Filed 11-5-98; 8:45 am]

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